

Swinomish Tribal Community  
Environmental Policy Act, Ordinance, #43A  
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General Ordinance  
Adopted: 1977

SWINOMISH TRIBAL COMMUNITY  
ENVIRONMENTAL POLICY ACT  
ORDINANCE #43A

1. PURPOSE

The primary purpose of this act is to promote the general welfare of Tribal Community members and others living on Reservation lands, by creating and maintaining conditions under which humanity and nature can exist in productive and enjoyable harmony. Specific goals are:

- a. To ensure that the Reservation is a place of safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- b. To preserve areas of historic, archeological and cultural significance.
- c. To ensure a proper environment that is compatible with the desired Indian lifestyle - present and future.
- d. To attain the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other undesirable and unintended consequences.

2. TRIBAL COMMUNITY ACTION: GENERAL PROVISIONS

All branches of the Tribal Community Government shall include in every major action significantly affecting the quality of the human environment, a detailed statement by the Tribal Community Planning Commission or its designee, on --

- a. The environmental impact of the proposed action.
- b. Any adverse environmental effects which cannot be avoided should the proposal be implemented.
- c. Alternatives to the proposed action.
- d. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.

- e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Planning Commission shall utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and

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in decision-making which may have an impact on man's environment.

The Planning Commission shall identify and develop methods and procedures which will insure that presently unqualified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations.

The Planning Commission shall study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

### 3. PRELIMINARY DETERMINATION OF SIGNIFICANCE

The Planning Commission shall identify major actions significantly affecting the quality of the human environment. In making this preliminary determination, the Planning Commission shall consider:

- a. Whether the action is highly controversial.
- b. Whether an otherwise minor action will have a cumulatively significant impact.
- c. Any secondary effects.
- d. The nature of the setting where the proposed action would be taken.
- e. All known and all probable beneficial and detrimental environmental effects. Even if on balance the Planning Commission believes that the effect will be beneficial, the action may still have a significant effect on the environment.

### 4. USE OF PRELIMINARY DETERMINATION

If the Planning Commission determines:

- a. that the action is not major or does not significantly affect the quality of the human environment, it shall prepare a declaration of non-significance which shall be located in the

Tribal Office.

b. that the action is major and has a significant effect on the quality of the human environment, it shall prepare a declaration of significance which shall be located in the Tribal Office. Such proposed actions require preparation of an Environmental Impact Statement (EIS). Ordinance 43A

## 5. PREPARING THE DRAFT EIS: CONTENT

When an EIS is required, the Planning Commission or its designee shall prepare a draft EIS which shall satisfy, to the fullest extent possible, the requirements of Section 2 and shall include the following points:

- a. A description of the proposed action, its purposes and the environment which will be affected.
- b. A description of any effect it may have on population or growth.
- c. The relationship of the proposed action to land use plans for the affected area.
- d. The positive and negative, known and probably effects of the proposed action on the environment. This should include secondary as well as primary effects.
- e. Alternatives to the proposed action which might reduce or elimination adverse impacts, including sufficient analysis of the environmental benefits, costs and risks of such alternatives.
- f. A brief section summarizing those environmental effects discussed in Section 5(d) which are adverse and unavoidable.
- g. A brief discussion of the extent to which the proposed action involves tradeoffs between short-term gains at the expense of long-term environmental losses, or vice-versa.
- h. A description of those impacts discussed in Section 5 (f) which irreversibly curtail the range of potential uses of the environment.

## 6. AGENCIES WITH SPECIAL EXPERTISE

In preparing the draft EIS, the Planning Commission may consult with, and obtain comments from agencies with special expertise.

## 7. CIRCULATION OF DRAFT EIS

- a. Copies of the draft EIS shall be kept in the Tribal Office for public inspection.
- b. Copies of the draft EIS shall be sent to those agencies consulted during its preparation.

c. Interested persons may request copies of the draft EIS from the Planning Commission. Copies shall be provided at no more than the cost of printing and mailing.

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d. A notice announcing the availability of the draft EIS shall be published in the LaConner newspaper.

e. Agencies and the public shall have thirty (30) days to comment on the proposed action. The Planning Commission may grant a fifteen (15) day extension when it believes such an extension is necessary.

f. Copies of all the comments shall be kept in the Tribal Office for public inspection.

## 8. PUBLIC HEARING

After publication of the draft EIS, the Planning Commission shall hold a public hearing, whenever appropriate, for the consideration of environmental aspects of the proposed action and to provide the public with relevant information.

a. In determining whether a public hearing is appropriate, the Planning Commission shall consider such factors as the magnitude of the proposed action, the degree of interest in it, the complexity of the issues and the extent to which the public has already been involved.

b. Ten (10) days prior to the hearing, the Planning Commission shall publish a notice in the LaConner paper of its time and place.

## 9. PREPARATION AND CIRCULATION OF FINAL EIS

a. The Planning Commission shall review the environmental effects of the proposed action in light of opposing professional views and responsible opinion which were brought to the Planning Commission's attention during the thirty (30) day commenting period.

b. The Planning Commission should make meaningful reference in the final EIS to any responsible opposing view not adequately discussed in the draft EIS and should indicate the Planning Commission's response to the issues raised.

c. The revised EIS, together with substantive comments received on the draft EIS (or summaries thereof) shall be circulated in the same manner as the draft EIS.

d. If the Planning Commission determines that the draft EIS is sufficient and needs no revision, it shall circulate a statement to that effect. The draft EIS, together with this statement, shall constitute the final EIS.

## 10. PLANNING COMMISSION DECISION

The Planning Commission may not take major action on the proposal for seven (7) days after publication of the final EIS.